

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 RICHARD SATTERFIELD,

4 Petitioner,

5 vs.

6 GREGORY COX, *et al.*,

7 Respondents.

2:13-cv-00424-GMN-GWF

ORDER

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9 Petitioner has submitted a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. §
10 2254 and has paid the filing fee. (ECF No. 1).

11 The Court has reviewed the petition as required by the Rules Governing Section 2254
12 Actions, Rule 4. This review indicates a need for the petition to be amended.

13 The Local Rules of Court require petitioners appearing in *pro se* to file their petitions on the
14 Court's approved form and to limit their length. Local Rules of Special Proceedings 3-1 ("a petition
15 for a writ of *habeas corpus*, filed by a person who is not represented by an attorney, shall be on the
16 form provided by this court."). Although petitioner used the Court's approved form for the initial
17 pages of his petition, he failed to provide the date his appeal of the state post conviction review was
18 completed. *See* Habeas Petition, p. 1, item 4. Thus, the Court cannot establish if there are concerns
19 about the timeliness of the petition. Neither did he provide copies of the state court written
20 decisions regarding his conviction, as the petition instructions require. Finally, petitioner did not
21 observe the guidelines set out in the instructions for filing a habeas petition which require the
22 petitioner to set out his claims in the space provided on the form with no more than four additional
23 pages. *See* Information and Instructions for Filing a Petition for Writ of Habeas Corpus Pursuant to
24 28 U.S.C. § 2254 in the United States District Court for the District of Nevada, Part A(1); *see also*,
25 Habeas Instructions, Part C (5).¹ Plaintiff's petition is excessive in length, containing 58 pages, and

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¹ A copy of the form and instruction shall be sent to petitioner with this order.

1 requires the Court to read more than 16 pages before getting to the substance of petitioner's first
2 claim.

3 Petitioner shall be required to amend his petition. If petitioner cannot set out the necessary
4 facts of his claims in the number of pages allowed in the instructions, he must ask the Court for leave
5 to file additional pages. *Id.* He need not cite to case law or provide additional factual or procedural
6 background in the petition. He must concisely set out the facts necessary to support his claims of a
7 constitutional violation.

8 Petitioner is also informed that a petition for federal habeas corpus should include all claims,
9 both exhausted and unexhausted, that petitioner believes might be a basis for granting relief from the
10 criminal conviction or sentence. An exhausted claim is one that has been fairly presented to the
11 Nevada Supreme Court; an unexhausted claim, on the other hand, is one that has not been presented
12 to the Nevada Supreme Court and, indeed, may not have been presented to any court. If petitioner is
13 aware of any claim which he has not raised in this petition he should amend the petition accordingly,
14 as the abuse of the writ rules may bar petitioner from ever raising such claim in a federal court. *See*
15 *Neuschafer v. Whitley*, 860 F.2d 1470, 1482 (9th Cir. 1988) (Alarcon, J., concurring); Rule 9(b),
16 Rules Governing Proceedings in the United States District Courts under 28 U.S.C. §2254.

17 **IT IS THEREFORE ORDERED** that the Clerk **SHALL SEND** petitioner the approved
18 form for filing a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, as well as the
19 document "Information and Instructions for Filing a Petition for Writ of Habeas Corpus Pursuant to
20 28 U.S.C. § 2254." Petitioner is **GRANTED thirty (30)** days from the date of the entry of this order
21 within which to file an amended petition with this Court. Petitioner's failure to file an amended
22 petition, on the approved form provided by this Court, may result in dismissal of this action.

23 **DATED** this 7th day of May, 2013.

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Gloria M. Navarro
United States District Judge